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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00339 JSW
)	
Plaintiff,)	
)	
v.)	STIPULATION AND PROPOSED
)	ORDER RE-SETTING HEARING DATES
PEDRO ALEXANDER PALACIOS,)	AND EXCLUDING TIME FROM
)	NOVEMBER 10, 2005 TO DECEMBER 1, 8
Defendant.)	2005 FROM THE SPEEDY TRIAL ACT
)	CALCULATION (18 U.S.C.
)	§ 3161(h)(8)(A))

The parties appeared before the Court on October 27, 2005. On November 10, 2005, the parties were scheduled to appear at 9:30 a.m. before the Honorable Edward M. Chen for waiver of indictment and arraignment on the Information, as well as at 2:30 p.m. before the Honorable Jeffrey S. White for entry of guilty plea and Fast-Track sentencing. However, counsel for the Defendant is currently out of state because he has recently suffered a loss in his family that will preclude him from making those two appearances.

Accordingly, with the agreement of the parties, the Court enters this order (1) scheduling a hearing before the Honorable Elizabeth D. Laporte on December 1, 2005 at 9:30 a.m. for waiver of indictment and arraignment; (2) scheduling another hearing on December 1, 2005 at 2:30 p.m. before the Honorable Jeffrey S. White for entry of plea and sentencing; and (3)

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~~NOTICE OF SUBSTITUTION~~

documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from November 10, 2005 to December 1, 2005. The parties have agreed, and the Court finds and holds, as follows:

1. The parties have agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would deny the defendant continuity of counsel in light of his counsel's personal loss.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from November 10, 2005 to December 1, 2005, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

3. Accordingly, the Court orders that the period from November 10, 2005 to December 1, 2005, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

5. The parties will appear before the Honorable Elizabeth D. Laporte on December 1, 2005 at 9:30 a.m. and before the Honorable Jeffrey S. White on December 1, 2005 at 2:30 p.m.

IT IS SO STIPULATED.

DATED: 11/9/05

/s/
TRACIE L. BROWN
Assistant United States Attorney

DATED: 11/9/05

/s/ (by telephonic approval)
WILLIAM WEINER
Attorney for Pedro Alexander Palacios

IT IS SO ORDERED.

DATED: November 9, 2005


THE HON. JEFFREY S. WHITE
United States District Judge